

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	2025/62/90007/W
Site Address:	20, Stafford Hill Lane, Kirkheaton, Huddersfield, HD5 0EF
Description:	Demolition of existing dwelling and erection of detached dwelling
Recommending Officer:	Molly Storer

DECISION – CONDITIONAL FULL PERMISSION

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

John Holmes

AUTHORISED OFFICER

Date: 27th February 2025

Officer Report

Site Description

The application site relates to 20 Stafford Hill is a two-storey detached property located in the area of Kirkheaton, Huddersfield. The property is faced in stone and pebbledash, with a gabled roof which is infilled with concrete tiles. To the side elevation the property benefits from a detached garage however this will be demolished and replaced as part of this proposal. Within the wider curtilage, outdoor amenity space is located to the front, side and rear elevations, with on-site parking available to the front driveway.

The orientation of properties within this street is that while the highway runs to the east the principle elevation of the property is the southern elevation. The site is located in a semi-rural residential area, with various property types and styles established within the street scene. The neighbouring properties consist of two-storey and bungalow dwellings, faced in an array of external materials. The site is unallocated on the Kirklees Local Plan. The site is not located within a Conservation Area, nor are there any listed buildings or Public Rights of Way (PROW) within close proximity.

Description of Proposal

The applicant is seeking permission for demolition of existing dwelling and erection of detached dwelling.

The proposed dwelling would be faced in aged, coursed stone and have ashlar quoins and corbels with sawn ashlar blocks to the projecting bay. The proposed roof covering is concrete tiles to match adjacent properties. The dwelling would also include a single storey element with a pitched roof form which would be constructed in the same materials to the southwest elevation. The property would also have a garage proposed to the south east of the site, it will have a footprint of 6.5m x 6.65m, will have solar panels on the northwest facing roof slope and will be constructed from coursed stone and render.

The property would have an overall width of 11m, an overall depth of 10m (excluding the adjoining single storey extension) and an overall height of 8.4m. The single storey element would project approx. 4m from the southwest elevation with a width of 6.5m and a total height of 4.95m.

The proposal would see a detached garage located to the south western corner of the site, which would be 6.7m x 6.7m, 2.7m to the eaves and 4m to the ridge.

Off street parking is proposed to the front and side of the dwelling and within the proposed garage. Private outdoor amenity space would be provided to the west of the dwelling. The development would see a dwelling which has a total of 4 bedrooms.

History of Negotiations / Amendments Received

No negotiations or amendments were deemed necessary.

Relevant Planning History

2024/92971 - Demolition of existing garage, bay window and lean to extension and erection of two storey side extension, single storey side and rear extensions, detached garage, alterations to existing roofscape to form additional storey and associated works. Conditional Full Permission.

The application granted permission for multiple extensions to create a large property with three storeys this provides a viable fallback option for the site.

The proposal would be on the land the subject of application 2024/92971 and therefore in the event permission is granted, it would be on the basis of either permission being implemented rather than a combination of both being possible.

Representations

The Council are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, this application has been publicised via neighbour notification letters.

Final publicity date expired: 19th February 2025

As a result of the publicity no representations were received.

Consultation Responses

The following is a brief summary of Consultee advice (more detailed discussion is contained in the 'Assessment' section of the report, where appropriate):

- **KC Environmental Health:** No objection subject to conditions
- **KC Highways structures:** No objection, falls out of remit of consideration.
- **Yorkshire Water:** No objection subject to informative note

Allocation and Policy

The site is UNALLOCATED on the Kirklees Local Plan Proposals Map. The site falls within an area with a known presence of bats.

The relevant policies for consideration in this case are:

Kirklees Local Plan

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP3 – Location of new development
- LP7 – Efficient and effective use of land and buildings
- LP11 – Housing Mix and Affordable Housing
- LP21 – Highway and Access
- LP22 – Parking
- LP26 – Renewable and low carbon energy
- LP28 – Drainage
- LP30 – Biodiversity and Geodiversity
- LP51 – Protection and Improvement of Local Air Quality
- LP52 – Protection and Improvement of Environmental Quality
- LP53 – Contaminated and Unstable land

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 20th December 2024, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications. Most specifically in this instance, the below chapters are of most relevance:

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter2 Achieving sustainable development
- Chapter4 Decision-making
- Chapter5 Delivering a sufficient supply of homes
- Chapter9 Promoting sustainable transport
- Chapter11 Making effective use of land
- Chapter12 Achieving well-designed places

Chapter14 Meeting the challenge of climate change, flooding and coastal change

Chapter15 Conserving and enhancing the natural environment

Supplementary Planning Documents / guidance

Kirklees Highway Design Guide (adopted November 2019)

Housebuilders Design Guide SPD (adopted June 2021)

The Biodiversity Net Gain Technical Advice Note

Assessment

The following matters are considered in the assessment below –

1. Principle of development
2. Impact upon the character and appearance of the area
3. Impact upon residential amenity
4. Impact upon highway safety
5. Climate Change
6. Other matters – e.g. trees/ecology (e.g. bats)
7. Representations
8. Conclusion

1 – Principle of Development

The site is without notation on the Kirklees Local Plan. Policy LP1 of the Kirklees Local Plan states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in Chapter 2 of the National Planning Policy Framework. Policy LP2 sets out that, in order to protect and enhance the character of places, all development proposals should seek to build on the opportunities and help address the challenges identified in the Local Plan.

Paragraph 11 of the National Planning Policy Framework (NPPF) advises that plans and decisions should apply a presumption in favour of sustainable development. It adds, within the same paragraph, that where the policies in the Development Plan, deemed most relevant to the consideration of the proposal in question are out-of-date, the default position is that planning permission should be granted unless:-

- A) policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed; or

- B) any adverse impacts of so doing would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

In the case of applications for residential development such as this, the NPPF adds that policies will normally be considered 'out of date' if the Local Planning Authority cannot demonstrate a five year supply of deliverable housing land.

The Local Plan identifies a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum. National planning policy requires local planning authorities to demonstrate five years supply of deliverable housing sites against their housing requirement. The 2023 up-date of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land. As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, it is necessary to consider planning applications for housing development in the context of NPPF Paragraph 11 which triggers a presumption in favour of sustainable development. This means that for decision making "Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (NPPF Footnote 8), granting permission unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (NPPF Footnote 7) ; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

Policy LP7 of the Kirklees Local Plan states that should encourage the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value and a net density of at least 35 dwellings per hectare should be provided. Principle 4 of the Housebuilders Design Guide seeks to ensure a density of 35 dwellings per hectare or more is achieved. Given the proposal would see a replacement dwelling and density would remain at the same level as that of the existing site, as well as the fact increasing the density would be impacted by a number of constraints including the access arrangements and proximity of neighbouring properties it is considered that to insist upon a higher density of development would not be reasonable in this case and the individual site characteristics are such that the density of development is considered to be acceptable.

The Council's inability to demonstrate a five-year supply of housing land weighs in favour of housing development but has to be balanced against any

adverse impacts of granting the proposal. The judgement in this case is set out in the officers assessment.

The proposal seeks to erect a detached dwelling within Kirkheaton and would assist in meeting the housing needs of the Council. This would be 'in line' with the aims of Chapter 5 of the NPPF, which states that small developments such as this can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly. It is noted that one dwelling would be replaced and as such a neutral impact to housing provision would result from the proposal, therefore whilst the 5 year land supply weighs in favour this is a consideration limited weight is afforded given a usable dwelling is on site already.

In terms of design, Policy LP24 of the Kirklees Local Plan is relevant, in conjunction with Chapter 12 of the National Planning Policy Framework. Policy LP24, together with the Housebuilders Design Guide SPD, suggests that proposals should promote good design by ensuring inter alia that the form, scale, layout, and details of all development respects and enhances the character of the townscape, heritage assets and landscape. Furthermore, it requires that proposals protect the amenity of future and neighbouring occupiers and promote highway safety and sustainability.

In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety. These issues along with other policy considerations will be addressed below.

2 – Impact on character and appearance of the area

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby Paragraph 131 provides a principal consideration concerning design which states: “The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”

Kirklees Local Plan Policies LP1, LP2 and LP24 all seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity. Policy LP24 states that proposals should promote good design by ensuring: “a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...”

Paragraph 134 of the NPPF sets out that design guides and codes carry weight in decision making. Of note, Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Also relevant to this is the Kirklees Housebuilders Design Guide SPD 2021, which aims to ensure future housing development is of high-quality design.

Principle 2 of the Kirklees Housebuilders Design Guide SPD states that: *“New residential development proposals will be expected to respect and enhance the local character of the area by:*

- *Taking cues from the character of the built and natural environment within the locality.*
- *Creating a positive and coherent identity, complementing the surrounding built form in terms of its height, shape, form and architectural details.*
- *Illustrating how landscape opportunities have been used and promote a responsive, appropriate approach to the local context.”*

Further to this, Principle 13 of the Housebuilders Design Guide states that applicants should consider the use of locally prevalent materials and finishing of buildings to reflect the character of the area, whilst Principle 14 notes that the design of openings is expected to relate well to the street frontage and neighbouring properties. Principle 15 states that the design of the roofline should relate well to site context.

The proposal would be faced in aged, coursed stone and have ashlar quoins and corbels with sawn aslar blocks to the projecting bay. The proposed roof covering is concrete tiles to match adjacent properties. The dwelling would also include a single story extension adjoined to the southwest elevation which would be faced in coursed stone to match the main house. The windows would be grey uPVC with three sets of bi-folding doors to the ground floor northwest and southwest elevations. The arrangement of fenestration and openings would appear typical of this style of dwelling and would have an acceptable impact on visual amenity. On this basis, it is considered that the dwelling would not appear discordant and would harmonise well into the surrounding townscape.

Whilst the proposed dwelling would not adjoin to an existing building line on site, it is noted that there is not a strong building line along Stafford Hill Lane

and the existing dwelling is also set well back from existing development. Furthermore, the proposed orientation of the dwelling differs slightly however this is considered to lessen impact on neighbouring properties whilst maintaining privacy of the applicant and the neighbouring amenity space. In terms of footprint and massing, the property would not be out of keeping with the neighbouring dwellings given that the surrounding area lacks coherent character and there is already a degree of variation with regard to scale, design, and materials. It is also noted that the proposed dwelling has a reduced ridge height to that of approved scheme under application number 2024/92971 by approximately 700mm and a similar footprint is proposed meaning there is a viable fall back option in this instance. It is considered that the proposed dwelling would sit comfortably within the existing street scene and against the neighbouring properties.

The proposed dwelling would be set back from the highway and externally the garden perimeter will remain similar to that of the existing to the front of the property onto Stafford Hill with the rear amenity space providing a high level or soft and hard landscaping relative to the dwelling. The application site is also of a sufficient size to support a dwelling as proposed with a parking area to the front and side and ample private outdoor amenity space. Therefore, the development would not appear overly cramped or cause any undue harm to the character and appearance of the area.

Design materials would remain in character and appearance to other properties in the immediate vicinity and wider context in relation to architectural detailing and similar materials. The existing property retains a bay window and the proposed design replicates this in form with the projecting ashlar stone element. The garage is sited in a less prominent part of the site and of a scale which is considered to be in keeping with the character of the locality.

Upon drawing 273a-24-PL05 A boundaries of the site appear to remain that as existing, given the existing boundaries in place at site it is not considered necessary to require a scheme of boundary treatments to be submitted as part of this application.

Drawings 273a-24-PL05RevA shows the existing levels of the site including the existing and proposed street scene / land levels. Drawing 273a-24-PL02RevB sets out the intended finished floor levels, these would be 84.460m Above Ordnance Datum (AOD) for the dwelling and 83.7m AOD for the detached garage. A condition to ensure the finished floor levels do not exceed these is recommended.

Drawings 273a-24-PL04RevB & 273a-24-PL03RevB sets out the materials of construction (natural and sawn ashlar stone, marley modern tile and grey doors / windows and rainwater goods). These materials are considered appropriate and acceptable in the context of the street, a condition requiring their use is recommended to be included on any grant of permission.

Given the extent of works which could be done to the roof of the proposed residential property by utilising pd rights, it is considered appropriate to restrict pd rights for works to the roof to ensure any additions / alterations do not lead to incongruous / visually dominant additions which have a harmful impact upon the character of the dwelling and wider locality.

It is therefore considered that, subject to conditions the proposal would be acceptable with regard to visual amenity and would accord with Policy LP24 of the Kirklees Local Plan, Principles 2, 5, 12, 13, 14, and 15 of the Housebuilders Design Guide SPD, and the policies within of Chapter 12 of the National Planning Policy Framework.

3. Impact on Residential Amenity and Future Occupiers

Sections B and C of LP24 states that alterations to existing buildings should: *"...maintain appropriate distances between buildings' and '...minimise impact on residential amenity of future and neighbouring occupiers."*

Further to this, Paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Principle 6 of the Kirklees Housebuilders Design Guide SPD states that: "Residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking."

The SPD also provides advised separation distances for two storey dwellings:

- 21 metres between facing windows of habitable rooms at the backs of dwellings;
- 12 metres between windows of habitable rooms that face onto windows of a non-habitable room;
- 10.5 metres between a habitable room window and the boundary of adjacent undeveloped land; and
- For a new dwelling located in a regular street pattern that is two storeys or above, there should normally be a minimum of a 2 metres distance from the side wall of the new dwelling to a shared boundary.

Impact on 18 Stafford Hill Lane

This property is located to the northwest of the application site. The proposed dwelling would occupy a position approximately 4 metres to 8 metres from the neighbouring dwelling due to the angled building positions. It is noted that there are multiple windows within the northwest elevation facing in the direction of this property however this is considered acceptable as the previously approved scheme 2024/92971 allows for a dwelling which would have a similar level of glazing as proposed but would be in closer proximity. Therefore, in terms of privacy to this property this would be a more favourable design. It is also noted that No.18 is situated on a higher ground level and that the overall ridge height would be set lower than the previously approved scheme which would lessen the impact on this neighbour. Therefore, given the scale of the proposal is considered the proposal would not have a significant overshadowing or overbearing impact on the neighbour's residential amenity.

Impact on 22 Stafford Hill Lane

This property is located to the south of the application site. The proposed dwelling would occupy a position approximately 8.8 metres to 11 metres from the neighbouring dwelling due to the angled building positions. Although the new dwelling would be angled further towards this neighbour it is considered that the separation distance is in character with the surrounding area with glazing in the existing house already facing directly in the direction of this property.

The two storey element originates in the same location of that of the existing in the Southwest corner to ensure no increased overbearing on the adjacent property or their amenity space. Given the orientation of the site relative to the sun path the proposal will not result in any significant overshadowing to this property and with a reduced ridge height from the approved scheme lessen any impact on No.22. Therefore, given the viable fallback option, on balance the proposal is considered acceptable.

Impact on 45 Stafford Hill Lane

This property is located to the east of the application site. In terms of privacy there is extra glazing proposed to the northeast, side elevation facing in the direction of this property. However, it is considered that due to the existing glazing in this elevation, the additional glazing (being brought forward by 4m) will not cause significant additional harm and is not a reason for refusal. In addition, given the setting of this property across the

road it is considered no shading will occur. Having considered the above factors, the proposals are not considered to result in any significant impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, Key Design Principles 3, 5, 6 & 7 of the House Extensions & Alterations SPD and Paragraph 135 (f) of the National Planning Policy Framework.

It is considered that once occupied the dwelling is unlikely to generate significant levels of noise. However, the site is surrounded by residential properties and the occupiers of these could potentially be disturbed by noise generated during the construction process. Therefore, should the application be approved, a footnote will be included advising such works to take place between the hours of 7.30am and 6.30pm Monday to Friday, 8am and 1pm on Saturdays with no working permitted on Sundays or Public Holidays.

Amenity of future occupiers

Consideration must also be given to the amenity of future residents of the proposed dwelling. Taking into account Principle 16 of the Kirklees Housebuilders Design Guide SPD which sets out that

‘All new homes should aim to be accessible and adaptable homes to meet the changing needs of occupants over time in accordance with Building Regulations’ and that ‘All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity and living environments for future occupiers in accordance with Policy LP24’.

Internally, the proposed dwelling would have a floorspace that would comfortably exceed the minimum space standards set out in the Nationally Described Space Standards (NDSS), with all habitable rooms having access to at least one window. Officers therefore consider that the proposed dwelling would provide an adequate standard of amenity for future occupiers in this regard.

Principle 17 of the SPD discusses outdoor amenity areas. It highlights that external space should be able to provide space for activities such as playing, drying clothes and waste storage. Outdoor space should also be in part, able to receive direct sunlight for part of the day, all times of the year.

In this case, the dwelling would have five bedrooms and the outdoor amenity space to serve it would consist of a paved terrace and lawned garden to the rear. It is considered that the amount of outdoor amenity space provided for

the proposed dwelling would be sufficient. It is also noted that the outdoor amenity space would receive sufficient levels of sunlight. Therefore, it is considered that the proposed amenity space would meet the requirements of Principle 17 of the SPD.

Given the extent of works which could be done to the roof of the proposed residential property by utilising pd rights, it is considered appropriate to restrict pd rights for works to the roof to ensure any additions / alterations do not lead to a significant level of overlooking or lead to oppressive / overbearing structures or lead to a significant loss of daylight. It is therefore considered circumstances exist which justify inclusion of a condition restricting permitted development rights in this case.

In conclusion, it is considered that the proposals would not result in significant impacts on the privacy and amenity of any neighbouring occupants, complying with Policies LP24 of the Kirklees Local Plan and policies within Chapters 12 and 15 of the National Planning Policy Framework. The proposals are also considered to accord with Principles 6,16 and 17 of the Council's Housebuilders Design Guide SPD.

4. Impact on Highway Safety

Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide and Principles 12 and 19 of the Housebuilders design guide which seek to ensure acceptable levels of off street parking, adequate waste storage facilities are provided, are also considered to be of relevance.

The application is for the demolition of existing dwelling and erection of detached dwelling at 20 Stafford Hill Lane.

The proposal seeks permission for the demolition of an existing 3 bedroomed detached house with a single detached garage and the erection of a replacement 5-bedroom detached house with attached double garage. The existing access is to be retained and used as access for the proposed new dwelling. It is considered that the proposal includes ample off-street parking with internal vehicle turning. Given that the proposal is for a replacement dwelling that utilizes existing access and ample off-street parking.

A condition will be added to the decision notice to ensure that the vehicle parking areas will be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded.

In view of the above, it is considered that the proposal would not cause detrimental harm to the safe and efficient operation of the highway network, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan, Principles 12 and 19 in the Council's Housebuilders Design Guide SPD, guidance within the Council's Highways Design Guide SPD, and Chapter 9 of the National Planning Policy Framework.

5. Climate Change

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target. However, it includes a series of policies, which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Considering the scale and nature of the proposed development, especially that it is for private use, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. Whilst the demolition and construction process would lead to a level of impact, it is noted the replacement building would need to incorporate higher standards of insulation and an electric vehicle charging point to meet the requirement of building regulations which is considered sufficient level of mitigation in this case. The proposed development would therefore comply with Chapter 14 of the National Planning Policy Framework.

6. Other Matters

Contaminated Land

With regard to land quality, paragraphs 180, 189 and 190 of the National Planning Policy Framework and policy LP53 of the Kirklees Local Plan which seeks to ensure land quality is maintained as part of new development are considered to be relevant.

K.C. Environmental Health were consulted on the application and stated that records indicate that the site is within 250m of a historic landfill and other potentially contaminative former uses that could impact the development and

end-users. Therefore, it's crucial to assess the potential risks from contaminated land. They advise they consider contaminated land conditions to be necessary.. It was also noted that they would encourage any electric vehicle charging points installed as part of this development to meet the requirements of the Air Quality & Emissions Technical Planning Guidance from the West Yorkshire Low Emissions Strategy Group. The applicant should note the information in the recommended Electric Vehicle Charging Points Footnote.

Having regard to the response of the Environmental Health Team it is recommended that conditions requiring submission of detail relating to contaminated land are included upon any grant of permission to ensure this matter is satisfactorily controlled.

Subject to the inclusion of conditions, the proposal is considered to be acceptable in this regard.

Ecology

Paragraphs 180, 186, 187 and 188 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

The application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been requested from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance. This is due to the fact that the proposal is small in scale with little opportunity for bats to be affected. However, as a cautionary measure, and to ensure accordance with the aims of Chapter 15 of the National Planning Policy Framework, a footnote shall be attached to the permission setting out that, should any bats be found using the building then works must cease and appropriate advice sought.

In terms of Biodiversity Net Gain as set out by the statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). The development is considered to benefit from the self build exemption as set out by The Biodiversity Gain Requirements (Exemptions) Regulations 2024 and there is no required for BNG to be provided in respect of the aforementioned legislation. The

submitted application form sets out this is the exemption considered to apply in this case.

The submitted drawing (ref: 273a-24-PL03RevB) includes one bat box, which is considered to be appropriate biodiversity net gain in this case given the scale of the proposal. It is recommended that any grant of permission is subject to condition requiring the provision of this as mitigation and BNG enhancement.

Subject to condition the proposal is considered to be acceptable with regard to ecology.

Drainage

Policy LP28 of the Kirklees Local Plan establishes a hierarchy of drainage solutions with a Sustainable Urban Drainage System being the most preferable solution and Main Sewer the least preferable option. The site is not located within a flood zone. The applicant has stated in the application form that the surface water is to be discharged via the main sewer / connect to existing system. This is a matter which would be finalised at building regulations stage and it is not considered the development is of a scale whereby further information is required as part of this application for planning permission however an informative note suggested by Yorkshire Water will be attached upon any grant of permission.

7. Representations

None received.

8. Conclusion

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered, the proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation

APPROVE

Decision Authorisation: Delegated Powers

Application Number: 2025/90007

Officer Recommendation: Approve

Conditions

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and to accord with Policies LP1, LP2, LP3, LP7, LP11, LP21, LP22, LP24, LP30, LP31 and LP52 of the Kirklees Local Plan, Principles 4, 5, 6, 12, 13, 14, 15, 16, 17 and 19 of the Councils adopted House Builders Design Guide, Policies 1, 2, 11, 12 and 13 of the Holme Valley Neighbourhood Plan, the Council's adopted Highways Design Guide and the policies within Chapters 5, 9, 11, 12, 14 and 15 of the National Planning Policy Framework

3. Groundworks shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and policies within Chapter 15 of the National Planning Policy Framework

4. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 3 groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and policies within Chapter 15 of the National Planning Policy Framework

5. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 4 further groundworks shall not commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall

include a timetable for the implementation and completion of the approved remediation measures.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and policies within Chapter 15 of the National Planning Policy Framework

6. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 5. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and policies within Chapter 15 of the National Planning Policy Framework

7. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Verification Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures has been approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and policies within Chapter 15 of the National Planning Policy Framework

8. Prior to the development being brought into use, the approved vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained throughout the lifetime of the development.

Reason: In the interests of highway safety and to ensure satisfactory surface water drainage of the site in accordance with Policy LP21 and LP28 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Class(es) B and C of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.

Reason: To ensure the development has an acceptable impact upon the residential amenity of neighbouring occupiers and does not lead to overlooking to accord with policy LP24 of the Kirklees Local Plan, Principle 6 of the Council's adopted Housebuilder Design Guide SPD and policies within Chapter 12 of the National Planning Policy Framework

10. The development hereby approved shall be constructed from the materials of construction and colour finishes detailed within submitted drawings 273a-24-PL04RevB & 273a-24-PL03RevB. The development shall not be brought into use until the development has been completed in accordance with the materials of construction detailed upon these drawings. The materials of construction and colour finishes shall be thereafter retained for the lifetime of the development.

Reason: In the interests of visual amenity to accord with Policies LP11 & LP24 of the Kirklees Local Plan, Principle 13 of the Councils adopted Housebuilders Design Guide SPD and policies contained within Chapter 12 of the National Planning Policy Framework.

11. The finished floor and slab levels of the development shall be in accordance with those shown on submitted drawing 273a-24-PL02RevB. The development shall not be brought into use until the finished floor and slab levels approved by this condition have been completed. The approved finished floor and slab levels shall be so retained for the lifetime of the development, unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity to accord with Policies LP11 & LP24 of the Kirklees Local Plan, Principle 13 of the Councils adopted Housebuilders Design Guide SPD and policies contained within Chapter 12 of the National Planning Policy Framework.

12. The development shall not be brought into use until bat box shown upon submitted drawing 273a-24-PL03RevB has been provided and which shall be retained thereafter.

Reason: To enhance the biodiversity of the site in accordance with Policy LP30 of the Kirklees Local Plan, Principle 9 of the Kirklees Housebuilders Design Guide Supplementary Planning Document and Chapter 15 of the National Planning Policy Framework.

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021. Reports must be prepared in accordance with the following guidance:

- Land Contamination Risk Management (LCRM)
- BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice
- Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group.

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

NOTE: No construction related noise shall be audible beyond the site boundary outside the hours of: 07.30 to 18.30 hours Mondays to Fridays 08.00 to 13.00 hours, Saturdays With no construction related noise audible beyond the site boundary on Sundays or Public Holidays.

NOTE: Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) regarding obtaining this permission and approval of the construction specification. Please also

note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

NOTE: On the Statutory Sewer Map, there is a 150mm diameter public foul water sewer recorded to cross the site. It is essential that the presence of this infrastructure is taken into account in the design of the scheme. a.) It may not be acceptable to raise or lower ground levels over the sewer and we will not accept any inspection chambers on the sewer to be built over. b.) In this instance, Yorkshire Water would look for this matter to be controlled (by Requirement H4 of the Building Regulations 2010). c.) In this instance, it would appear that the public sewer is unlikely to be affected by building-over proposals. d.) This asset should be adequately protected from loading, vibration and damage, from plant and machinery during construction.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	273A-24-PL06 Rev A	-	10/01/2025
Existing Floor Plans Elevations and Site Layout	273a-24-PL01 Rev A	-	10/01/2025
Proposed Floor Plans Elevations and Site Layout	273a-24-PL02 Rev B	-	10/01/2025
Proposed Elevations	273a-24- PL03 Rev B	-	10/01/2025
Proposed Garage Floor Plan and Elevations	273a-24-PL04 Rev B	-	10/01/2025
Existing and Proposed Street scene Elevations and Proposed Site Layout	273a-24-PL05 Rev A	-	10/01/2025
Climate change statement	273a-24	-	10/01/2025
Design and access statement	273a-24	-	10/01/2025
Application form	-	-	10/01/2025

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-

application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. No amendments were sought as it was considered that the proposal was acceptable as submitted.

Report Dated:

26th February 2025